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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,427	01/21/2004	James I. Meyer	336-38	1232
23117	7590	10/05/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			REIFSNYDER, DAVID A	
		ART UNIT	PAPER NUMBER	
		1723		

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/760,427	MEYER, JAMES I.
	Examiner	Art Unit
	David A. Reifsnyder	1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/26/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Drawings

Drawing Figure 1 filed January 21, 2004 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Furthermore, drawing Figures 1-3 filed on January 21, 2004 are objected to for being clearly informal and Formal Drawings are Required.

The requirement for a Corrected Drawing Figure 1 and Formal Drawing Figures 1-3 will not be held in abeyance.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on the third line of paragraph [0004] on page 1 of the specification. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-12 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9; the recitation of "and a settling chamber defined by the bulb housing beneath the vortex destroyer" does not make sense. Should that recitation be something like ---and a settling chamber is defined by the bulb housing, the setting chamber being beneath the vortex destroyer---?__

Regarding claim 16; the recitation of "A vortex destroyer according to claim 12, comprising a plurality of fins" does not make sense because claim 12 claims "A particle separator...". Should claim 16 be written something like ---A particle separator according to claim 12, wherein the vortex destroyer comprises a plurality of substantially V-shaped fins---.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hakola.

Regarding claims 1-15; Hakola discloses hydrocyclone and method of using that hydrocyclone to separate particles from a feed slurry, the hydrocyclone comprising; a tangential inlet (2); a vortex chamber in fluid communication with the tangential inlet, the vortex chamber comprising a conical section terminating at an apex (1a, 66); a cylindrical bulb housing (7) removable coupled with the vortex chamber, the cylindrical

bulb housing (7) comprising a vortex destroyer having a plurality of V-shaped fins (43) disposed adjacent the conical section apex (1a, 66), the cylindrical bulb housing (7) defining a settling chamber beneath the vortex destroyer.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin.

Regarding claims 1-15; Martin discloses hydrocyclone and method of using that hydrocyclone to separate particles from a feed slurry, the hydrocyclone comprising; a tangential inlet (11); a vortex chamber in fluid communication with the tangential inlet, the vortex chamber comprising a conical section terminating at an apex (34); a cylindrical bulb housing (12) removable coupled with the vortex chamber, the cylindrical bulb housing (12) comprising a vortex destroyer (16) having a plurality of V-shaped fins (17,18) disposed adjacent the conical section apex (34), the cylindrical bulb housing (12) defining a settling chamber beneath the vortex destroyer (16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Reifsnyder whose telephone number is (571) 272-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David A Reifsnyder
David A Reifsnyder
Primary Examiner
Art Unit 1723

DAR